

**123<sup>rd</sup> MAINE LEGISLATURE**  
**First Regular Session**

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Legislative Document

No.

\_\_\_\_\_  
H.P.

**An Act to Continue the Protection of Marine Waters and  
Organisms Posed by the Application of Pesticides**

Presented by  
Cosponsored by

**Be it enacted by the people of the State of Maine as  
follows:**

**Sec 1. 22 MRSA §1444, sub-§4 is enacted to read:**

**4. Limts on pesticide application.** Pesticide  
applications near coastal waters in Cumberland,  
Sagadahoc and York counties to control browntail moths  
must be in compliance with section 1445.

This subsection is repealed March 31, 2008

**Sec. 22 MRSA § 1445 is enacted to read:**

**§1445. Restrictions on application of pesticides to  
control browntail moths in coastal areas**

This section applies to the application of  
pesticides to control browntail moths in coastal  
areas. For the purposes of this section, "coastal  
areas" means land in Cumberland, Sagadahoc and York  
counties abutting coastal waters as defined in Title  
12, section 6001, subsection 6, except that coastal  
areas extend inland up rivers and streams only as far  
as the first bridge.

**1. Prohibition on application of pesticides.** A  
person may not apply a pesticide to control browntail  
moths on shade or ornamental trees within 50 feet of  
the mean high water mark in coastal areas.

**2. Restrictions on applications between 50 and 250**

**feet of mean high water mark.** A person may not apply a pesticide to control browntail moths on shade or ornamental trees in coastal areas located between 50 and 250 feet from the mean high water mark except in accordance with this subsection.

A. Only products with the active ingredients diflubenzuron, permethrin, tau-fluvalinate or cyfluthrin may be applied.

B. Applications may be performed only with a hydraulic hand-held spray gun or air assisted sprayers.

C. Applications may be performed only in a manner in which the applicator directs the spray away from marine waters.

D. Applications may not be made when the wind is blowing toward marine waters.

E. Applications may performed only when the wind is equal to or greater than three (3) miles per hour.

**3. Exemption.** The prohibitions and restrictions in this section do not apply to biological pesticides, the injection of pesticides directly into the soil or into shade and ornamental trees, or application of pesticides applied by licensed commercial pesticide applicators using non-powered equipment.

**4. Repeal.** This section is repealed March 31, 2008.